

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

FEDERICO ISAAC REYES,
Appellant.

No. 2 CA-CR 2014-0143
Filed February 11, 2015

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pima County

No. CR20122579001

The Honorable Christopher Browning, Judge

AFFIRMED

COUNSEL

Isabel G. Garcia, Pima County Legal Defender
By Scott A. Martin, Assistant Legal Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Presiding Judge Miller authored the decision of the Court, in which Chief Judge Eckerstrom and Judge Espinosa concurred.

M I L L E R, Presiding Judge:

¶1 Following a jury trial, appellant Federico Reyes was convicted of aggravated driving under the influence (DUI) while his license was suspended and revoked. The trial court sentenced him to a “slightly mitigated term” of two years’ imprisonment. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has reviewed the record and “has found no tenable issue to raise on appeal.” Counsel has asked us to search the record for reversible error. Reyes has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury’s finding of guilt. See *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed that a Tucson Police officer observed Reyes, whose license was suspended and revoked, driving his vehicle at a high rate of speed, measured by another officer at approximately seventy miles per hour, and attempted to stop him; Reyes was stopped after two miles by multiple police units at a gas station, got out of his vehicle, and came toward the officers in “an aggressive way,” and the officers handcuffed him. The arresting officer noticed Reyes staggered, had watery, bloodshot eyes and smelled strongly of alcohol; Reyes was belligerent and refused field sobriety tests. A blood test showed he had a blood alcohol concentration of .225, which the state’s expert testified would cause impairment for driving. We further conclude the sentence imposed is within the statutory limit. See A.R.S. §§ 28-1381(A)(1); 28-1383(A)(1), (L)(1); 13-703(H).

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¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, Reyes's conviction and sentence are affirmed.